

★ DEC 18 2019 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ARTURO OSORNO, *et al.*,

Plaintiffs,

- against -

AVANT GARDNER LLC, *et al.*,

Defendants.  
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X

BROOKLYN OFFICE

**MEMORANDUM DECISION  
AND ORDER**

: 18-CV-01513 (AMD) (LB)

ANN M. DONNELLY, United States District Judge:

On March 12, 2018, the plaintiffs commenced this civil action alleging violations of the Fair Labor Standards Act, 29 U.S.C. 201, *et seq.*, and New York Labor Law §§ 190, *et seq.*, and 650, *et seq.* (ECF Nos. 1, 16.) On May 6, 2019, the parties informed the Court of a settlement in principal. (ECF No. 55.) The parties moved for settlement approval on August 28, 2019, and filed a revised settlement agreement on November 12, 2019. (ECF Nos. 65, 72.)

Magistrate Judge Lois Bloom reviewed the revised settlement agreement. (ECF No. 74.) She concluded that the settlement was “a reasonable resolution of the parties’ bona fide dispute” (ECF No. 74 at 2), and recommended that I approve the settlement with the following modifications: (1) striking the last line of the “No Future Employment” clause, Revised Agreement ¶ 5 (“Accordingly, it is agreed that none of the Plaintiffs will knowingly seek employment with Defendants after the execution of this agreement.”), and (2) crediting the plaintiff the filing fee and process server fees, which would result in plaintiffs’ counsel recovering \$6,545.84, inclusive of \$1,048 in costs and \$5,497.84 in fees.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those

portions of the report and recommendation to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *Jarvis v. N. Am. Globex Fund L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks omitted).

I have reviewed Magistrate Judge Bloom’s report and recommendation and find no error. Accordingly, I adopt the report and recommendation and approve the settlement in accordance with Magistrate Judge Bloom’s recommendations.

**SO ORDERED.**

s/Ann M. Donnelly  
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Ann M. Donnelly  
United States District Judge

Dated: Brooklyn, New York  
December 18, 2019